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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,918	07/14/2003	Paul A. Hungerford	11336/539 (P03116US)	7980

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EXAMINER

BRINEY III, WALTER F

ART UNIT PAPER NUMBER

2615

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/618,918	Applicant(s) HUNGERFORD, PAUL A.	
	Examiner Walter F. Briney III	Art Unit 2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-23 and 25-32 is/are rejected.
- 7) ☒ Claim(s) 12 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-8, 13-20, 25-28, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Novitschitsch (US Patent 6,457,547).**

**Claim 1** is limited to “a speaker housing.” Novitschitsch discloses a holder for a loudspeaker to be mounted in a motor vehicle and method for its manufacture. See Abstract. With respect to the claim language, figure 2 depicts a cross section of said holder, which corresponds to the “speaker housing.” Wall 6 corresponds to the “main housing wall.” Rim 7 corresponds to the “mounting lip.” Walls 4 and 5 correspond to the “support member.” A lower section of wall 4 that encircles element 41 corresponds to the “motor assembly housing.” Connector 8 corresponds to the “dual sided connector,” where connector 8 comprises a first connector portion external to wall 6 and a second connector portion internal to wall 6. Therefore, Novitschitsch anticipates all limitations of the claim.

**Claim 2** is limited in part to “the speaker housing of claim 1,” as covered by Novitschitsch. Rim 10 corresponds to the “installation member.” Therefore, Novitschitsch anticipates all limitations of the claim.

**Claim 3** is limited in part to “the speaker housing of claim 2,” as covered by Novitschitsch. Openings 18-20 correspond to the “at least one mounting apertures.” Therefore, Novitschitsch anticipates all limitations of the claim.

**Claim 4** is limited in part to “the speaker housing of claim 1,” as covered by Novitschitsch. As seen in figure 2, the spaces between walls 4 and 5 and 5 and 6 define “a plurality of apertures” as recited. Therefore, Novitschitsch anticipates all limitations of the claim.

**Claim 5** is limited in part to “the speaker housing of claim 1,” as covered by Novitschitsch. The lower section of wall 4 houses a magnet 41. Therefore, Novitschitsch anticipates all limitations of the claim.

**Claim 6** is limited in part to “the speaker housing of claim 1,” as covered by Novitschitsch. Figure 2 clearly depicts that the lower section of wall 4 houses a magnet 41 and any associated assembly elements, such as a “back plate.” Therefore, Novitschitsch anticipates all limitations of the claim.

**Claim 7** is limited in part to “the speaker housing of claim 6,” as covered by Novitschitsch. Bottom 3 comprises a plurality of slots 42 that correspond to the “rear vent aperture.” See column 2, lines 12-16. Therefore, Novitschitsch anticipates all limitations of the claim.

**Claim 8** is limited in part to “the speaker housing of claim 1,” as covered by Novitschitsch. As seen in figures 2 and 3, connector 8 includes a plug connector external to wall 6. The connector also includes terminals inside wall 6 connected to electrical lines 9. The plug connector and terminals correspond to the “at least two

connection members.” See column 2, lines 44-48. Therefore, Novitschitsch anticipates all limitations of the claim.

**Claims 13-20** are limited to “speaker housings” that are essentially the same as those described in claims 1-8, respectively. It is additionally noted that Novitschitsch discloses a “main housing wall” 6 with a “upper wall point” and a “lower wall point;” where a “mounting lip” 7 extends inwardly toward a central axis of the enclosed cavity from the upper wall point; and a “support member” 4 and 5 extends downwardly from an outer edge of the mounting lip to be connected to a “motor assembly housing” (lower section of 4). Therefore, Novitschitsch anticipates all limitations of the claims.

**Claims 25-28** are limited to “a speaker housing.” The “housing means”, the “mounting means”, the “support means” and the “connection means” of claim 25 are indistinct from the “main housing wall”, “mounting lip”, “support member” and “dual sided connector” of claims 1 and 13, as covered by Novitschitsch. Therefore, Novitschitsch anticipates all limitations of the claims.

**Claim 31** is limited to “a speaker assembly having a loudspeaker installed in a speaker housing.” As shown in figure 2 of Novitschitsch, a lip 7 extends inwardly from outer wall 6. The lip provides a support for the lip 39 of a frame of the loudspeaker as recited. The walls of the speaker housing depicted in figure 2 provide support for the motor assembly 41. Novitschitsch discloses connector 8, which provides dual sided connection between an amplifier output clip and the speaker housing. Therefore, Novitschitsch anticipates all limitations of the claim.

**Claim 32** is limited to “a speaker housing.” Novitschitsch discloses “a housing wall” 6 and a “dual sided connector” 8 with “a first connector” that receives “an amplifier output clip” and “a second connector” equipped with terminals connecting to wires 9. Therefore, Novitschitsch anticipates all limitations of the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 9-11, 21-23, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novitschitsch in view of Ikeyama (US Patent 6,922,477).**

**Claim 9** is limited in part to “the speaker housing of claim 8,” as covered by Novitschitsch. While figures 2 and 3 clearly depict that the plug connector external to wall 6 includes a “cavity that extends inwardly a predetermined distance inside the dual sided connector,” there is no suggestion that the terminals inside wall 6 extend inside the connector. However, this deficiency is overcome by an obvious modification.

In particular, reference is made to Ikeyama. Ikeyama discloses a speaker with a connector 2 for receiving a plug as seen in figure 1 thereof. Figure 2 depicts that the connector 2 includes terminals 2B for an electrical wire 6A in the same manner as the connector of Novitschitsch. Figures 7-9 depict a plurality of embodiments for the terminals 2B. In each of figures 7-9 it is clear that while the terminals are on the outside

of the connector, they include conductors 11C1 and 11C2 that extend into the connector. The mere fact that these conductors extend into the connector necessitates that a cavity exists within the connector to receive the conductors. Figures 7-9 also clearly depict that the cavity is sealed tight around the conductors. See column 5, lines 47-49.

It would have been obvious to one of ordinary skill in the art to include terminal connections as taught by Ikeyama simply because Novitschitsch is totally silent regarding the structure of said connections.

**Claim 10** is limited in part to “the speaker housing of claim 8,” as covered by Novitschitsch in view of Ikeyama. Apropos the rejection of claim 9, it would have been obvious to modify Novitschitsch to include the terminal connections as taught by Ikeyama. In doing so, an operational connector is realized that includes “at least two conductive leads that extend to both sides of the dual sided connector” as seen in figures 7-9 of Ikeyama. Therefore, Novitschitsch in view of Ikeyama makes obvious all limitations of the claim.

**Claim 11** is limited in part to “the speaker housing of claim 10,” as covered by Novitschitsch in view of Ikeyama. As seen in figure 2 of Novitschitsch, the terminals “extrude outside the main housing wall toward the inside of the enclosed cavity.” In accordance with figures 7-9 of Ikeyama, the terminals are formed as part of the conductors, which means the conductors extend in the fashion recited. Therefore, Novitschitsch in view of Ikeyama makes obvious all limitations of the claim.

**Claims 21-23** are limited to “speaker housings” that are essentially the same as those described in claims 9-11, respectively. Therefore, Novitschitsch in view of Ikeyama anticipates all limitations of the claim.

**Claim 29** is limited in part to “the speaker housing of claim 25,” as covered by Novitschitsch. It is noted that claim 29 recites essentially the same subject matter as claims 22 and 10. Therefore, Novitschitsch in view of Ikeyama makes obvious all limitations of the claim.

**Claim 30** is limited to “a speaker assembly.” As shown in the rejection of claims 1, 13 and 25, Novitschitsch discloses a “speaker housing” that includes “a main housing wall, a mounting lip, a support member, a motor assembly housing and a dual sided connector.” Figure 2 of Novitschitsch clearly depicts “a loudspeaker” 1 that includes an annular flange 39 that corresponds to a “lip” of a frame (in general, the loudspeaker itself), a magnet 41 that corresponds to “a motor assembly”, and “a pair of flexible conductive leads” 9. Figure 2 clearly depicts that the mounting lip and the lip of the frame are positioned as claimed. Figure 2 clearly depicts that the motor assembly 41 is positioned within a lower portion of wall 4 that provides housing thereto, and thus corresponds to “the motor assembly housing.” Apropos the rejections of claims 8 and 20 it was shown that the dual sided connector 8 includes “first and second connecting ends”. Apropos the rejections of claims 9 and 21, it was shown, with reference to Ikeyama, that it would have been obvious to include a connector with “a pair of conductive leads” as recited. Therefore, Novitschitsch in view of Ikeyama makes obvious all limitations of the claim.



### ***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

3. **Claims 12 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**Claim 12** is limited in part to “the speaker housing of claim 10,” as covered by Novitschitsch in view of Ikeyama. Novitschitsch and Ikeyama simply do not disclose “conductive leads extend[ing] upwardly a predetermined distance outside the mounting lip.” Thus, claim 12 is allowable over the cited prior art.

**Claim 24** is limited in part to “the speaker housing of claim 22,” and is essentially the same as claim 12. Thus, claim 24 is allowable over the cited prior art for at least the same reasons.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB



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SUPERVISORY PATENT EXAMINER